IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 12436 of 2007(E)

PETITIONER:

TIP TOP FURNITURE INTERNATIONAL,
BUILDING NO.II/262 E.F.G.H.K.L.M.N.O.P.,
KK TOWERS, MUTTOM, CHOORNIKARA GRAMA PANCHAYATH,
ERNAKULAM DISTRICT REP. BY ITS PROP.K.T.SAITHALAVI

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
ALUVA POLICE STATION, ALUVA.

2. HEADLOAD AND GENERAL WORKERS UNION
(CITU), COMPANYPPADY UNIT,
AMBATTUKAVU, NEAR ALUVA REP. BY ITS SECRETARY.

BY ADV. SRI.C.A.CHACKO
GOVT. PLEADER, SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE ORDER OF THIS HON'BLE COURT IN WP(C) NO.11757/05 DT. 6.4.2005.

EXT. P2: COPY OF THE AGREEMENT DT. 4.12.06 REGARDING SURRENDER OF VACANT POSSESSION OF THE PREMISES PRESENTLY OCCUPIED BY THE PETITIONER.

EXT. P3: COPY OF THE AUTHORISATION DT.21.3.07 ISSUED BY THE OWNERS OF THE NEW PREMISES LEASED OUT TO THE PETITIONER.

EXT. P4: COPY OF THE IDENTITY CARDS ISSUED TO THE PERMANENT REGISTERED HEADLOAD WORKERS OF THE PETITIONER.

EXT. P5: COPY OF THE COMPLAINT MADE TO THE 1ST RESPONDENT WITH ACKNOWLEDGEMENT DT. 6.4.2007.

EXT. P6: COPY OF THE JUDGMENT IN WP(C) 29144/04 DT.5.10.04.

EXT. P6(A): COPY OF THE JUDGMENT IN OP NO.19384/2002 DT. 18.7.2002.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, J.

W.P.(C) No. 12436 of 2007-E

Dated 18th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a furniture manufacturing unit represented by its Proprietor. This writ petition is filed, seeking the following reliefs:

> "(i) issue a writ of mandamus directing the 1st respondent to render adequate police protection to the petitioner for peacefully loading and unloading the timber/wood/furniture products in the Tip Top Furniture International showroom in Building No.II/262 E,F,G,H,K,L,M,N,O,P, K.K.Towers, Muttom, Choornikara Grama Panchayat by engaging its own permanent headload workers;
>
> (ii) issue a writ of mandamus directing the 1st respondent to render adequate police protection to the lives and property of the petitioner and their workers."

The case of the petitioner is that it has started a unit at Muttom in Choornikara Grama Panchayat. The unit has its own registered headload workers to do the loading and unloading work inside the unit. But, the 2nd respondent Union is causing obstruction, claiming that its

members are entitled to get the work of loading and unloading in the unit. According to the petitioner, as long as it has got registered headload workers, it is entitled to engage them. The police was moved. When there was no action from the part of the police, this writ petition is filed, seeking the above quoted reliefs.

2. The 2nd respondent has filed a counter affidavit, resisting the prayers in the writ petition.

3. Heard the learned counsel on both sides. The learned counsel for the 2nd respondent pointed out that the members of the 2nd respondent were doing the unloading work of the petitioner for the last two years. Now, employment is denied to them and work is sought to be done, using its permanent workers. The learned Government Pleader, upon instructions, submitted that the police did not interfere in the matter and the parties were directed to approach the conciliation machinery.

4. This Court has already granted interim order on 11.4.2007, granting protection to the petitioner to do loading and unloading work, provided it is employing registered headload workers for the same. We feel that the said order should continue until the 2nd

respondent establishes its right through the statutory forum, to get the loading and unloading work in the petitioner's unit. It is ordered accordingly and the writ petition is disposed of.

K. BALAKRISHNAN NAIR,JUDGE.

HARUN-UL-RASHID, JUDGE.

nm.